
S-2351
ELLIOTT INDUSTRIAL PARK SUBDIVISION
Authorization to File Belated Primary Approval Extension
Request

STAFF REPORT
February 9, 2012

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REQUEST MADE, PROPOSED USE, LOCATION:

The owner/developer, JIRO LLC (Jim Andrew, represented by John Nagy with TBIRD Design Services), is requesting a vote to authorize the filing of a belated primary approval extension request for the original conditional primary approval granted on January 17, 1996 for an 8-lot industrial subdivision on 17.446 acres, located at the southeast corner of Brady Lane and Concord Road, in Lafayette, Wea 3(SE)22-4.

The original 5-year primary approval expired 11 years ago last month. This came to light when the developer's representative filed a new one lot final plat at the end of December.

STAFF COMMENTS

Before the primary approval expiration, construction plans were approved for the entire site and two lots were recorded in two final plats, all by 2000. Much has happened on and near this site in sixteen years – Henry Poor Lumber relocated on the north 10 acres of the site, Mid-Land Meals was built on Lots 2 and 3, a major drainage project was installed including new bridges over the Elliott Ditch, and both streets fronting the subdivision have been rebuilt. According to our files the on-site “private” storm, sanitary and water mains were all installed and approved by 1998. Staff recently consulted with the Lafayette City Engineer's office to verify that there are no infrastructure concerns.

Staff met with the developer on January 20th to discuss options to solve the expiration problem and strongly suggested submitting a new subdivision application. In the past 8-9 years the Area Plan Commission has reinstated about a dozen expired primary approvals. For half of these cases the primary approvals have not been more than a year expired; only two cases have been more than two years past expiration; but none have been more than five years gone. Generally staff reviews all primary approval extension cases (including the “belated” requests) by two guide lines: 1) Has the subdivision progressed under the original approval (i.e. construction plans approved and improvements installed for the section of the plat that has expired)?; and 2) Would the development need to make changes based on any ordinance amendments? In this case, staff believes Elliott Industrial Park Subdivision passes both conditions. However, because this is a request for the Area Plan Commission to authorize a vote on a subdivision primary approval that has been expired for well beyond any case considered previously, the Commission's legal counsel and staff feel this request should be denied.

STAFF RECOMMENDATION:

Denial